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FOR MYSORE STATE

S.—78.406—3-11-53.

Home (1954) Department.

R1- SERIES.

G.O. No. 3662

Dated 10-12-1954

[Despatch Abstract.]

R.o.c.No. 9227/A-C2.

From

Sri R. Jayaram Ayyar, M.A., B.L.,
Registrar, High Court, Madras.

To

The Secretary to Government,
Home Department, Fort St. George,
MADRAS. (with enclosures).

152137 C3
25.11.54.

Dated the 23rd November 1954.

Sir,

Sub: Petition - Sri B. Lakshminarayana Rao, Clerk, Sub Divisional Magistrate's Court, Puttur, South Kanara - Petition for re-employment - Forwarded.

I am to forward for orders of Government the petition dated 7-9-1954 from Sri B. Lakshminarayana Rao, Clerk, Sub Divisional Magistrate's Court Puttur on the subject cited.

2. The District Magistrate (Judicial), South Kanara, says that there are no experienced clerks well-versed in Bench work especially criminal court Bench work, available in that District. His letters A.Dis.1053/54 dated 14-10-1954 and A.Dis.1435/54 dated 13-11-1954 are also enclosed.

3. In the circumstances stated by the District Magistrate(Judl. South Kanara, the Hon'ble Judges recommend the re-employment of the petitioner for a period of six months during which time the petitioner will be able to train up some other clerks in the work.

R. Jayaram
REGISTRAR.

Copy to: The District Magistrate (Judicial), Mangalore (with a request to take up the question of training some other clerks in the Bench work).

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Puttur, S. Kanara
Dated 7th September 1954.

To

The Chief Secretary to the Government,
Fort St. George, Madras.

Through

1. The High Court of Judicature, Madras.
2. The District Magistrate,
South Kanara (Judicial). Mangalore.
3. The Sub Divisional Magistrate.
(Judicial), Puttur.

Petition of Sri B. Laxminarayana Rao,
Clerk, Sub Divisional Magistrate's Court(Judicial),
Puttur.

Sir,

I beg to submit the following for the sympathetic consideration of the benign Government and for favourable orders.

2. I am submitting this petition to the Government with a prayer for allowing me to continue in the Department after my retirement from service which is due in January 1955. I submit the following facts in support of my request for grant of extension of service or in other words re-employment after retirement. I am given to understand that the Government have passed rules relaxing the age limit and allowing persons to continue in service upto the age of 60 years in certain circumstances.

3. Firstly, I joined the service in the Revenue Department in the year 1920 and since then continuously worked in that Department, the major portion (nearly 30 years) of my service being spent in the Magisterial side i.e., in the offices of the Sty. Sub Magistrate's and Sub Divisional Magistrates. Soon after the Separation of Judicary from Executive being introduced in South Kanara with effect from 1st July 1954, I was transferred permanently to the Judicial Department for which I opted myself. I joined as Bench Clerk in the Sub Divisional Magistrate's Court Puttur on 4-8-1954 on my return from leave (cancelling the unexpired portion) as ordered in District Magistrate's L.Dis.258/54 dated 31-7-1954. When I joined as Bench Clerk

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in the Sub Divisional Magistrate's Office, the office was without an experienced Bench Clerk and the post of the Bench Clerk was vacant for more than a month. This was apparently due to dearth of hands who are well experienced in the magisterial work or because some with experience of the work had chosen to remain in the Revenue Department. In this connection, I may be permitted to submit that in the extension or service requested by me is granted considering my following grievances my services in the new Department might be of some help to the Department in that I can impart my experience to the junior clerks who are working in this office and be of help in putting the newly constituted Court and office in good order.

2. Secondly, my economic condition is too poor, as I have neither ancestral nor acquired property to fall back upon after retirement. Instead I have incurred some debts in the Government Servants Co-operative Society, Ltd., and elsewhere for the purpose of educating my children and the marriage of my daughters. In this connection I beg to submit that I have still one more daughter of marriageable age and awaiting marriage. My son and daughter are studying in the Intermediate class and their education is a great financial burden on me. The meagre pension which I might get after retirement will not at all be sufficient to maintain the family and for the education of my children. The grant of extension of my service for two years at least will be of immense help to me in enabling my children to complete their education and perform the marriage of my last daughter.

3. Thirdly, though I am nearing my age of retirement, I am in robust health and am full of vigour to do any amount

of hard work that might be entrusted to me. I am not suffering from any kind of disease or disability. The Officer under whom I work would testify to this fact.

4. Fourthly, I submit that in spite of my long service in the Stationary Sub Magistrate's and Sub Divisional Magistrate's Courts there never was any agitation or feeling against me either from the Bar or from the Police Department or from the public, who are supposed to bear ample testimony to my integrity and honesty. A reference, if necessary, to the members of the Bar who attend the Criminal Courts would satisfy my superiors. The very fact that I have been a Magisterial clerk for a long period is itself a proof that the members of the Bar are satisfied about my honesty in discharging my duties. I therefore request the kind Government to reward my honest and hard work by granting me extension of service at least by two years.

5. In conclusion, I beg to submit that considering my hard case and the other circumstances explained above, the extension of service by at least two years prayed for by me may kindly be granted as reward for my honest and hard work in the Government all these years.

Yours faithfully,

(Sd.) . . . .
7/9/54
PETITIONER.

N. Dis. 724-54-C

Forwarded. There is a dearth of experienced hands in this department in this district. The petitioner is due to retire on 18-1-55.

(Sd.) P.H. Sundaram,
25-9-54
Dt.Magistrate (J)

To
The Registrar, High Court of Judicature, Madras.

(True copy)

tmv.

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Copy of L.Dis.1053/54-C dated 14-10-1954 from the District Magistrate, South Kanara, to the Sub Asst. Registrar, Administrative Department, High Court, Madras.

Sir,

PETITION - Sri B. Laxminarayana Rao, lower division clerk - Sub Divisional Magistrate's Court (Judl). Puttur - Petition for extension of service on re-employment after retirement report submitted.

Ref: Your Roc.No.9227/54-C2, dated 9-10-54.

Sri B. Laxminarayana Rao, lower division clerk, Sub Divisional Magistrate's Court, Puttur, got transferred from the Revenue Department, as experienced clerks in Bench work were not available and the Bench Clerk's post in the court of the Sub Divisional Magistrate, Puttur was vacant for about a month. The Collector of South Kanara has already informed this office that he has no experienced clerks to be spared for this department as those with experience were not willing to opt this department. Some clerks transferred temporarily to this department, that is, clerks who have not opted themselves to the Judicial Department, are anxious to go back to the Revenue Department. Even some clerks who have opted themselves for appointment in the Judicial Department, are now trying to go back to the Revenue Department, as they say, that they have no prospect in this department. The Criminal Judicial Department in this district is really short of experienced hands now. The nature of work in Criminal Courts is such, that without experienced clerks it will be extremely difficult to carry on.

2. I had occasion to see the clerk and he is hale and healthy and fit for work. He is an experienced clerk, and I think he will be quite useful in this department. For the above reasons I am of opinion that the clerk's request may be supported on public grounds.

Yours faithfully,
(Sd.) P.H. Sundaram
Judl. Dt.Magistrate, S.K.

(True copy)

R Narayanamurthy 24/11/1954

Sub Assistant Registrar,
Administrative Department,
High Court, Madras.

UKotm

Copy of letter L.Dis.~~Mxx~~ C.No.1435/54-C dated 13-11-1954 from the District Magistrate (Judicial), South Kanara, to the Sub Assistant Registrar, Administrative Department, High Court, Madras.

Sir,

PETITION - Sri B. Laxminarayana Rao - Clerk - Sub Divisional Magistrate's Court, Puttur - Petition for extension of service or ~~x~~ re-employment after retirement - report.

Ref: Your Roc.No.9227/54-C2 dated 10-11-1954.

The work of a Bench clerk in a criminal court, especially in the court of a Sub Divisional Magistrate, is of a specialised nature and requires fair knowledge of the procedure in Criminal Courts as also of the several criminal laws and Acts. It materially differs from the bench work in a Civil Court, and ~~xxxxxxxxxxx~~ experience in Civil Courts will not be of much avail in a criminal court, where the Bench Clerk has to attend to the several monthly, quarterly and annual criminal returns of the court also. In the absence of experienced criminal court bench clerks, the work in any criminal court is sure to fall into confusion and the progress of work will be retarded; especially when most of the Judicial Magistrates in this district are new to the work.

2. Moreover the Bench Clerks of my court, the courts of the Sub Magistrates, Mangalore, Puttur and Hosdrug ~~xxx~~ are those who have not opted themselves into the Judicial Department, but have been got temporarily for want of experienced hands. These clerks desire to get back to the Revenue Department, but they will however continue until some other clerks gain experience of criminal Bench work.

3. For the above reasons the retention of the clerk, Sri B. Laxminarayana Rao, by granting extension of service or by re-employment will be of great help to the Court of the Sub Divisional Magistrate, Puttur, and hence his application may be granted on public grounds.

Yours faithfully,
(Sd.) D. Noronha,
Judicial Dt.Magistrate,S.Kanara.

(True copy)

Sub Assistant Registrar,
Administrative Department,
High Court.Madras.

24/11

tmv.

Home Deptt II

(CNo. 152137 C&SD/54).

G.O.Rt. No 3662 dated 10.12.54.

Public Services – M.J.M.S –
Sri. B. Lakshminarayana Rao –
Clerk, S.D.M's Court, Puttur,
South Kanara Dt – Request –
for re-employment after retirement
– Petition – Rejected

— × —

Read: From the High Court—
R.O.C. No. 9227/54-C2 dt
23-11-1954

— × —

ORDER:

The petitioner should be informed that his petition has been rejected.

To
The Registrar, High Court,
Madras.

Home Deptt

(CNo. 15 A 137 Cfss II/54) Public Services - M.J.M.S. - Sri. B. Lakshminarayana Rao - clerk, S.D.M's Court, Puttur, South Kanara Dt. - Request for re-employment after retirement

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From the High Court Lr. R.O.C.No. 9227/54-C2 dated 23.11.1954

— x —

The High Court has forwarded for orders of Govt., a petition from Sri. B. Lakshminarayana Rao, clerk, S.D.M's Court, Puttur requesting that he may be granted extension of service by two years after the date of his superannuation

2. Sri. Lakshminarayana Rao has stated that he joined the service in the Revenue Deptt in 1920, and that the major portion of his service has been spent in the Magisterial side and that, ~~but that~~ he opted for the Judicial Deptt on 1.7.1954 when the scheme of Separation was introduced in the district of South Kanara He has added that the meagre pension which he might get after retirement will not at all be sufficient to maintain the family and the education of his children. In view of his experience, good record of service and of the fact that he has rendered services will be of much use to the newly constituted S.D.M's court, the

petitioner requests that he may be granted extension of service for two years after the date of superannuation (i.e. 18.1.1958). The D.M (Judl), South Kanara, has stated that in the absence of experienced criminal court bench clerks, the work in any criminal court is sure to fall into confusion and the progress of work will be retarded especially when most of the Judicial Magistrates in the district (S. Kanara) are new to the work of D. His report at pp 7-9 C.F.

In the circumstances stated by the D.M (Judl), S. Kanara, the Judges recommend the re-employment of the petitioner for a period of six months during which time the petitioner will be able to train up some other clerks in the work.

3. It may be noted that the present policy of the Govt. is not to grant either extension of service after retirement or to re-employ retired persons except in the cases of persons holding highly technical posts for whom suitable substitutes are not available. In the present case, the post held by the petitioner is not a technical one. The alleged paucity of experienced hands is not a feature peculiar to this office alone. In the circumstances, it does not appear that there are sufficient grounds to deviate

B

from the settled policy of the Govt. and grant the petitioner's request. The petition may be rejected. For orders Finance and Pub(ser) may see for remarks.

3 Dec 54

2/12/54
2-12-54

3/12/54

3 Dec 54

Fin / Public (Ser)

Finance (Pen)

The note on pp 1-3 above may be perused.

2/. The proposal at 'M' above may be agreed to in this dept.

Home u.o. 152137 CTS II/54. 6-12-54

Fin no 119480 Pen dt 7/12/54

ASSISTANT SECRETARY TO GOVERNMENT 8 DEC 1954 4958 CHIEF SECRETARIAT

6.12.54 6/12/54

Pub (Se

6/12

Public (Ser) Dept.

The notes of Home and Finance on pp 1-3 above may be perused. M above may be agreed to in this dept also and the file returned to Home

DEPUTY SECRETARY TO GOVERNMENT 4-DEC 1954

8/12/54.

9.12.54

Home

Pub(ser) u.o. 4958/54-1 9-12-54.

Home (cts II) Deptt

Please see the notes of Finance and Public (Ser) above

A draft order is subd. for approval

ASSISTANT SECRETARY TO GOVERNMENT 159598 9-DEC 1954 9.12.54 HOME DEPARTMENT

9.12.54 10/12/54

[Issued as G.O. Rt. No. 3662, Home, dt 10/12/54]